

REMARKS

Claims 96-104 and 109-117 are now pending in the present application. More specifically, claims 72-95 and 105-108 are cancelled and claims 109-117 are newly added. Claims 96, 99, and 103 are directly amended.

A. Interview Summary:

On or about July 8, 2004, a discussion took place between the Examiner and Applicants' attorney, Sami Malas. The restriction requirement was discussed, but no agreement was reached.

B. Cancelled Claims

Claims 72-95 and 105-108 have been cancelled without prejudice, waiver, or disclaimer. Applicants are not expressly addressing the validity of assertions made by the Examiner regarding claims 72-95 and 105-108 since the validity of such assertions are not relevant to the allowance of the currently pending claims 96-104. Therefore, Applicants should not be presumed to agree with any statements made by the Examiner regarding claims 72-95 and 105-108 unless otherwise specifically indicated by Applicants.

C. Response to Claim Objections

Claims 96 and 99 stand objected because of informalities. Applicants have amended the claims as Examiner suggested and request that the objection to the claims be withdrawn.

D. Response to Claim Rejections Under 35 U.S.C. § 112

Claim 103 stands rejected under Section 112, first paragraph, as failing to comply with the written description requirement. Applicants have amended the claim as Examiner suggested and request that the rejection be withdrawn.

E. Response to Claim Rejections Under 35 U.S.C. § 102

Claims 96-102 stand rejected under 35 U.S.C. Section 102(e) as allegedly anticipated by *White et al.* (U.S. Patent No. 6,628,302).

For a proper rejection of a claim under 35 U.S.C. Section 102(b), the cited reference must

disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

Independent claim 92 is allowable for at least the reason that none of the cited references teach, suggest, or disclose “suspend the provision of the motion video presentation responsive to a first user input; and provide a promotional motion video presentation to the STT responsive to the first user input.” Because independent claim 92 is allowable over the prior art of record, its dependent claims 92-102 are allowable as a matter of law, for at least the reason that these dependent claims contain all features/elements/steps of their respective independent claim 92. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

F. Response to Claim Rejections Under 35 U.S.C. § 103

Claim 103 stands rejected under 35 U.S.C. Section 103(a) as allegedly being unpatentable over *White et al.* Claim 104 stands rejected under 35 U.S.C. Section 103(a) as allegedly being unpatentable over *White et al.* in view of *Wang* (U.S. Patent No. 6,675,385).

It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

Because independent claim 92 is allowable over the prior art of record, its dependent claims 103 and 104 are allowable as a matter of law, for at least the reason that these dependent claims contain all features/elements/steps of their respective independent claim 92. *In re Fine*, supra.

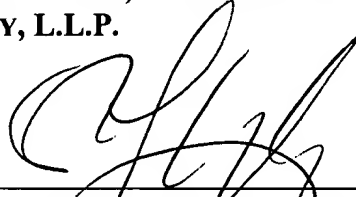
G. Newly Added Claims 109-117

Independent newly added claim 109 is allowable for at least the reason that none of the cited references teach, suggest, or disclose “suspending the provision of the motion video presentation responsive to a first user input; and providing a promotional motion video presentation to the STT responsive to the first user input.” Because independent newly added claim 109 is allowable over the prior art of record, its dependent claims 110-117 are allowable as a matter of law, for at least the reason that these dependent claims contain all features/elements/steps of their respective independent claim 109. *In re Fine*, supra.

CONCLUSION

Applicants respectfully maintain that the currently pending claims 96-104 and 109-117 are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**



Jeffrey R. Kuester; Reg. No. 34,367
Attorney for Applicant

Thomas, Kayden, Horstemeyer & Risley, LLP
100 Galleria Parkway, NW
Atlanta, GA 30339
Ph: (770) 933 - 9500
Fax: (770) 951 - 0933